

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In re:

EAGLE PROPERTIES AND INVESTMENTS
LLC,

Debtor.

Case No. 23-10566-KHK

Chapter 11

**MOTION OF SC&H GROUP, INC. TO AMEND ORDER GRANTING
FIRST AND FINAL APPLICATION OF SC&H GROUP, INC. FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES AS FINANCIAL
ADVISOR, ACCOUNTANT AND RESTRUCTURING MANAGER FOR THE
DEBTOR FROM MAY 3, 2023 THROUGH SEPTEMBER 30, 2023 [ECF NO. 346]**

SC&H Group, Inc. (“SC&H”), by and through undersigned counsel, files this Motion to Amend Order Granting First and Final Application of SC&H Group, Inc. for Compensation and Reimbursement of Expenses as Financial Advisor, Accountant and Restructuring Manager for the Debtor from May 3, 2023, through September 30, 2023 [ECF No. 346] (“Fee Order”) and states as follows:

JURISDICTION AND VENUE

The Bankruptcy Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334(b) and the Fee Order. This matter is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (B). Venue is proper pursuant to 28 U.S.C. § 1409.

BACKGROUND

On November 20, 2023, SC&H filed its First and Final Application of SC&H Group, Inc. for Compensation and Reimbursement of Expenses as Financial Advisor, Accountant and Restructuring Manager for the Debtor from May 3, 2023, through September 30, 2023 [ECF No. 225] (“Fee Application”) for the services detailed therein. The Fee Application sought approval of fees and expenses in the total amount of \$186,293.25 and the ability to immediately apply \$50,000 held in

deposit, thereby leaving \$136,293.25 in unpaid fees and expenses. Fulton Bank, Bala Jain and the United States Trustee each objected to the Fee Application raising, *inter alia*, concerns related to the ability of the then chapter 11 debtor to pay the fees and expenses. *See* ECF Nos. 247, 248 and 250. An evidentiary hearing was held by the Court on January 23, 2024. On March 13, 2024, the Court entered the Fee Order granting Fee Application. Specifically, the Court granted allowance of compensation in the amount of \$186,293.25, allowed the immediate application of the \$50,000 held on deposit to that amount leaving unpaid fees and expenses totaling \$136,293.25 and also ordering that the “Debtor shall not be permitted to pay SC&H the remaining fees unless (1) the Debtor’s principals, Amit Jain and Monika Jain, provide cash to pay the remaining fees totaling \$136,293.25 directly through the Debtor’s Amended Plan of Reorganization [Dkt. No. 309], or any further amendments thereto, or (2) upon further order of this Court” *See* Fee Order.

In the months following the entry of the Fee Order, the chapter 11 case was converted to a case under chapter 7 and the assets of the estate have been liquidated. In the coming weeks (or months) the chapter 7 trustee will prepare and file his final report and make distributions to creditors. The \$136,293.25 owed to SC&H has not been paid.

REQUEST OF RELIEF

SC&H is the holder of a \$136,293.25 chapter 11 administrative expense claim. However, under the terms of the Fee Order, the chapter 7 trustee is not permitted to make distributions to SC&H absent further order of the Court. With the case having been converted to chapter 7 and the administration of the chapter 7 estate nearing its end, issues related to the ability (or inability) of the chapter 11 debtor to pay the fees of SC&H are no longer present. As such, SC&H requests that this Court amend the Fee Order to authorize and direct the chapter 7 trustee to pay SC&H’s remaining administrative expense claim in the amount of \$136,293.25.

CONCLUSION

WHEREFORE, SC&H respectfully requests that the Court enter an order (i) amending the Fee Order to authorize and direct the chapter 7 trustee to pay SC&H's remaining administrative expense claim in the amount of \$136,293.25; and (ii) granting such other relief as the Court deems just and proper.

DATED: March 19, 2025

Respectfully Submitted,

/s/ John T. Farnum

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Attorney for SC&H Group

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of March, 2024, a true and correct copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system and was served via first-class mail, postage prepaid, to the parties in interest on the attached service list¹ and to:

Office of the United States Trustee
1725 Duke Street, Suite 650
Alexandria, VA 22314

/s/ John T. Farnum

John T. Farnum

¹ Pursuant to Local Rule 5005-1(C)(8), the attached service list is not being served on each of the parties, but is attached to the original Certificate of Service filed with the Court.